

The State Board of Education/State Board for Vocational Education held its regular meeting on Thursday, July 18, 2013, in the Cabinet Room of the John G. Townsend Building, Dover, Delaware.

Present were: Teri Quinn Gray, President; Jorge L. Melendez, Vice President; Gregory B. Coverdale, Jr.; G. Patrick Heffernan, Randall L. Hughes, II, Terry M. Whittaker; and Mark T. Murphy, Executive Secretary and Secretary of Education. Donna R. Johnson, who serves as the State Board's Executive Director, was also present.

Also in attendance were Ilona Kirshon, Deputy Attorney General and legal counsel for the State Board of Education; David Blowman, Deputy Secretary of Education; Karen Field Rogers, Associate Secretary, Financial Reform and Resource Management; Michael Watson, Chief Academic Officer, Teaching and Learning; and Dr. Susan Haberstroh, Associate Secretary, Education Supports & Innovative Practices.

Attending portions of the meeting in conjunction with agenda items: Brian Touchette, Mary Kate McLaughlin, Christopher Ruszkowski and John Carwell.

Also attending: Catherine Hickey, Deputy Attorney General; Alexandra Leach, SBE Intern; Sue Francis, Delaware School Boards Association (DSBA); Paula Fontello, Deputy Attorney General; Amber Cooper, Budget Office; Donna Mitchell, Professional Standards Board; Kendall Massett, Delaware Charter School Network; G. Scott Reihm, Delaware Association of School Administrators; Kristin Cosden, Governor's Advisory Council for Exceptional Citizens; Deborah Stevens, Delaware State Education Association; Matt Albright, News Journal; April Hall, WDDE; Tara Allen, Reach Academy; Maureen Thomas, Reach Academy, Lloyd Casson, Reach Academy; Jodie O'Ferrall, Reach Academy, Danny Schweers, Reach Academy; Alana Walls, Moyer Academy, Nikia Wongus, Moyer Academy; Charles Hughes, DAPSS; Dorcell Spence, Brian Curtis, Gloria Grantham, Rita Fry, Duncan Smith, Helen Dennis, and Alison May.

### **Call to Order**

President Gray presided over the monthly meeting and called the meeting to order at 1:00 p.m. She welcomed all guests to the State Board's monthly public meeting.

### **Approval of Agenda**

The first order of business was approval of the agenda. There were no changes to the agenda. A motion was made by Mr. Coverdale to approve the agenda as presented. The motion was seconded by Mr. Heffernan and carried with the following vote recorded:

Ayes:	Nays:	Not Present at Time of Vote:
Dr. Gray	None.	Mr. Melendez
Mr. Coverdale		Dr. Whittaker
Mr. Heffernan		
Mr. Hughes		

### **Approval of Minutes**

#### Regular Meeting - June 20, 2013

The Board received a copy of the regular meeting minutes prior to the meeting. Dr. Gray asked if there were any changes or additions to the minutes. A motion was made by Mr. Heffernan to approve the minutes of the State Board regular meeting held on June 20, 2013 as presented. The motion was seconded by Mr. Hughes and carried with the following vote recorded:

Ayes:	Nays:	Not Present at Time of Vote
Dr. Gray	None.	Mr. Melendez
Mr. Coverdale		Dr. Whittaker
Mr. Heffernan		
Mr. Hughes		

#### Work Session - June 20, 2013

The Board received a copy of the minutes of the June 20<sup>th</sup> work session prior to the meeting. Dr. Gray asked if there were any changes or additions to the minutes. A motion was made by Mr. Heffernan to approve the minutes of the State Board's work session on June 20, 2013 as presented. The motion was seconded by Mr. Hughes. Since the motion would not carry by voice vote with Mr. Coverdale abstaining, Dr. Gray indicated that action on the work session minutes would be placed on hold and the Board would return to it later on the agenda.

### **State Board Business**

#### **Committee Reports from State Board Members**

Mr. Heffernan attended the July 10<sup>th</sup> Charter School Renewal Scenario Workshop. Attendees were presented with different scenarios and how to use the data from the performance framework to make decisions. Dr. Gray noted that attendees included the members of the education community and stakeholders.

Dr. Whittaker also attended one of the Charter School Renewal Scenario Workshops. By using the performance framework, he stated that quality decisions can be made. Dr. Gray extended kudos to Donna Johnson and John Carwell for their work on the workshops.

Dr. Gray highlighted her visit to the Brandywine STEM summer camp at P.S. duPont Middle School. She noted the many activities that were happening simultaneously and students were totally engaged. She thanked Brooks Riley and Jud Wagner for the invitation.

Dr. Gray also attended the National AgriScience Teacher Ambassador Academy where 48 AgriScience teachers from 35 states participated. The Academy is a professional development institute sponsored by DuPont as a special project of the National FFA Fund. Teachers learn new techniques to improve science learning in ecology, genetics and biofuels.

President Gray noted that she would be meeting with the interns in the Summer Education Leaders Program on July 23<sup>rd</sup> and was also scheduled to speak at the Newark Rotary.

Mr. Melendez also attended the Charter School Renewal Scenario Workshop and commented that it was a great opportunity to show what the Board looks at and reviews when making its decisions. He also attended the charter school public hearing for Moyer, Reach and DAPSS.

Ms. Johnson highlighted the items in her Executive Director's report on eBoards and the list of articles that are linked to the Board's strategic plan. She also highlighted the Education Commission of the States National Policy Forum she attended and noted it was an outstanding conference that discussed the pressing issues in education.

She thanked the Board members for their participation in the Charter School Renewal Scenario Workshops. The State Board partnered with the Department and the National Association of Charter School Authorizers on the workshops that focused on how to use the performance framework to make decisions.

## **Approval of Minutes**

### Work Session - June 20, 2013

Dr. Gray asked that the Board return to the approval of the work session minutes of June 20, 2013. A motion was made by Mr. Heffernan to approve the minutes of the State Board's work session on June 20, 2013 as presented. The motion was seconded by Mr. Melendez and carried with the following roll call vote:

Ayes:	Nays:	Abstentions:
Dr. Gray	None.	Mr. Coverdale
Mr. Melendez		
Mr. Heffernan		
Mr. Hughes		
Dr. Whittaker		

### **Formal Public Comment**

It was indicated that this was the time the Board set aside for formal public comment. President Gray announced that no individuals signed up to address the State Board.

### **Election of Vice President**

It was explained that by statute, the July State Board meeting is the annual meeting of the State Board. Each year at this meeting, the Board elects one of its members to serve as Vice-President. Dr. Gray asked for nominations. Dr. Whittaker made a motion to nominate Mr. Melendez to serve as Vice President and the nomination motion was seconded by Mr. Heffernan. There were no additional nominations. Mr. Melendez accepted the nomination and the motion carried unanimously by voice vote. Congratulations were extended.

### **Budget**

The State Board Budget Committee will meet before the August Board meeting and present their draft to the entire Board at that meeting.

### **Elect NASBE Voting Delegate and Discuss Other Voting Items for Annual Conference**

A motion was made by Mr. Heffernan that Dr. Gray serve as Delaware's voting delegate at the NASBE Annual Conference. The motion was seconded by Mr. Coverdale and carried with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

None.

The Board had previously reviewed the proposed bylaw changes presented by NASBE. Since there were no comments, Dr. Gray indicated she would take Delaware's positive vote forward at the conference. Ms. Johnson noted that both Mr. Hughes and Mr. Melendez served on the NASBE committee that drafted the proposed policy decisions.

### **Career and Technical Education Committee**

Ms. Johnson explained that Senate Bill 103 establishes the State Board as the eligible agency for the State's Career and Technical Education Plan, Perkins IV. The legislation was signed by the Governor on July 1<sup>st</sup> and clarifies that the State Board is the Eligible Agency and sole agency

responsible for the supervision of administration of career and technical education under the federal Perkins Career and Technical Education Act of 2006 (Perkins IV). To carry out those duties the Board is creating a Special Committee to monitor the coordination of the development, submission, and implementation of the State Plan for Career and Technical Education, and the evaluation of the program, services, and activities assisted under the Perkins Act, including preparation for non-traditional fields. The committee will be made up of stakeholders including: the State Board, the Governor's office, appropriate state agencies, groups, and individuals including parents, students, teachers, faculty preparation programs, representatives of businesses, labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under Perkins Act. The Committee will meet quarterly and provide an annual presentation to the State Board every year in November and provide their evaluation of the plan for that year.

A motion was made by Dr. Whittaker to create a Special Committee of the State Board as described. The motion was seconded by Mr. Heffernan and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

None.

### **Secretary's Report, Review and Discussion**

Secretary Murphy noted that the Department has not slowed down this summer and he reported on the release of the College Going Diagnostic from the Harvard Strategic Data Project. The Project looks at six years of data and Secretary Murphy provided a few highlights. He stated that 37% of adults in Delaware have a college degree and multiple projections show that by 2018-2020 59% of all jobs in Delaware would require a degree. He calls the report a call for action with a focus on middle school students as the data shows students that have good performance in 8<sup>th</sup> grade do better in high school and graduate with 92% of them graduating on time and 66% going to college. The data also shows that the majority of students that fall off track do so in the 9<sup>th</sup> grade. He also said that half of the kids that fall off track in 9<sup>th</sup> grade drop out of school. Secretary Murphy noted that there is a variation between high schools with some making great strides with their freshmen. Undermatching is also an issue. This is when students have performed well and are predicted to do well in college but do not apply/attend. He also highlighted the new Harvard Study, "A Trickle or a Torrent" that shows the number of students that enrolled in college but do not show up on the first day.

Secretary Murphy also commented on schools that have made gains and mentioned Appoquinimink High School, Dover High School and Caesar Rodney. He spoke of the Summer Nudge program that is for seniors as well as other programs like dual enrollment, IB and AP.

Secretary Murphy also stated that the U.S. Department of Education has announced that states may seek a waiver (for ESEA) which shows how the USDOE is being responsive to the needs of states for flexibility, particularly on the area of teacher evaluation and common core and Smarter Balanced. He stated that the challenges states are experiencing now we experienced years ago. Delaware is a better position as we have multiple measures for teacher evaluations and teachers have a say in those measure. He talked about how Delaware's transition to Smarter Balanced and at this time he does not know if the State would seek any kind of waiver from the U.S. Department of Education. Secretary Murphy stated that as the State moves forward on these initiatives it would do what is in the best interest of kids.

There was discussion on the data being available to the public so parents can view it when making decisions. There was also discussion that the success of many programs is due to quality instruction.

### **Legislative Session Overview and Governor's Approved Budget**

Ms. Johnson was joined by Mary Kate McLaughlin, Department Chief of Staff, in providing an overview of the legislative session. The Board received a listing of all educationally related legislation of the 147<sup>th</sup> General Assembly, First Session and which bills have been signed by the Governor as well as which bills the Board provided testimony either by Board members or Ms. Johnson, on their behalf. Ms. Johnson highlighted the legislation that generated a task force that would require representation from the State Board including HB 90, which is a Task Force that focuses on enrollment preference. Mr. Hughes has volunteered to serve on that task force. Mrs. Rutt will continue on the Task Force for Gifted and Talented and a task force will be established on discipline and will need State Board representation.

Ms. McLaughlin noted the passage of some very important educational bills namely House Bill 90 which established the enrollment preference task force and addressed choice issues, Senate Bill 51 which focused on education prep and House Bill 165 which focused on charter schools. She appreciated all the Board's support in assisting in getting these bills passed. Regulations will need to be amended based on this legislative action. Ms. McLaughlin also highlighted Senate Bill 27 which establishes competitive grants for gifted and talented programs. Regulations on the grants will be coming at the August State Board meeting.

Mr. Melendez also commented that the higher education institutions were very involved and supportive of Senate Bill 51. Secretary Murphy noted that with the passage of Senate Bill 51, Delaware has the strongest education prep law in the country. Dr. Gray thanked Ms. Johnson for her leadership in representing the Board.

## **DCAS Assessment Report**

Brian M. Touchette, Director, Accountability Resources, presented the annual state summary results of the Reading, Mathematics, Science, and Social Studies Assessments. He noted he would provide a brief overview and indicated that detailed information is available on the website. DCAS results provide schools and teachers with usable information to help students improve, to master skills and improve instruction. Mr. Touchette highlighted the changes since last year that focused on the testing window and students being tested at different times. He also noted these scores are different than the results used for accountability for ESEA and AYP.

Participation overall was 94% to 99% with the exception of 10<sup>th</sup> grade science which had a participation rate of 87%. General highlights of the report showed that last year's gains in reading proficiency were sustained but math's proficiency declined three percentage points from 2012. Even with the decline, the math proficiency percentage is still higher than 2011. Advanced scores increased in reading while math advanced scores were sustained. Students meeting their individual growth target increased in both reading and math.

There was discussion on the percentage of students meeting their growth targets and students showing growth but not yet proficient. Secretary Murphy noted the value of growth for each child and the Board members commented on the journey of growth to proficiency. Mr. Touchette also stated that there would be further analysis on scores and the amount of time between the first and second testing opportunity.

Mr. Touchette stated that social studies proficiency has increased in the last three years while science proficiency has been consistent. The majority of Partnership Zone schools have shown improvement in reading and math since becoming a PZ school. There was discussion on different subgroups and schools that are clearly making strides. Positive Outcomes was cited for its growth.

Dr. Gray commented that the analysis of the scores is very important to the Board, knowing the whys. She also mentioned the 2017 benchmark and how the scores have flattened which was unexpected. And finally growth to proficiency is very important to the Board as well as our participation percentages and our students with disabilities.

The Board recessed from 3:17 p.m. to 3:28 p.m.

## **Department of Education Regulations**

Dr. Susan Haberstroh presented the Department's regulations. Dr. Haberstroh was joined by Christopher Ruszkowski.

106 Teacher Appraisal Process Delaware Performance Appraisal System  
(DPAS II) - For Action

The Secretary of Education is seeking the consent of the State Board of Education to repeal 14 DE Admin. Code 106 Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II). The regulation is no longer applicable because 14 DE Admin. Code 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised took effect beginning in the 2011-2012 school year. Comments were received from the State Council for Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens endorsing the repeal.

A motion was made by Dr. Whittaker to consent to repeal 14 Delaware Administrative Code 106. The motion was seconded by Mr. Coverdale and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

None.

107 Specialist Appraisal Process Delaware Performance Appraisal System  
(DPAS II) - For Action

The Secretary of Education is seeking the consent of the State Board of Education to repeal 14 DE Admin. Code 107 Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II). The regulation is no longer applicable because 14 DE Admin. Code 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised took effect beginning in the 2011-2012 school year. Comments were received from the State Council for Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens endorsing the repeal.

A motion was made by Dr. Whittaker to consent to repeal 14 Delaware Administrative Code 107. The motion was seconded by Mr. Coverdale and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

None.

108 Administrator Appraisal Process Delaware Performance Appraisal System  
(DPAS II) - For Action

The Secretary of Education is seeking the consent of the State Board of Education to repeal 14 DE Admin. Code 108 Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II). The regulation is no longer applicable because 14 DE Admin. Code 108A Administrator Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised took effect beginning in the 2011-2012 school year. Comments were received from the State Council for Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens endorsing the repeal.

A motion was made by Mr. Coverdale to consent to repeal 14 Delaware Administrative Code 106. The motion was seconded by Dr. Whittaker and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

None.

There was discussion and clarification on Regulation 108A and it was noted that there were no proposed changes to 108A so the regulation remains unchanged. Regulation 108A was approved a few years ago.

106A Teacher Appraisal Process Delaware Performance Appraisal System  
(DPAS II) Revised – For Action

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 106A Teacher Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised.

The amendments address the following: 1) eliminates provisions that were in place for the 2011-2012 and 2012-2013 school years only; 2) provides that the proposed amended regulation will be in effect beginning with the 2013-2014 school year; 3) defines “Credentialed Observer” and “Evaluator” in order to be specific about which individuals are responsible for certain teacher appraisal activities; 4) provides more specificity on the definition of “summative evaluation”; 5) changes the configuration of announced and unannounced observations for both experienced and novice teachers; 6) provides districts and charter schools flexibility in the appraisal criterion to be used for DPAS II in the first four Appraisal Components; 7) requires Appraisal Criteria observed to be rated on each observation conducted and to be assigned an overall rating in a teacher’s Summative Evaluation; 8) modifies when an Improvement Plan must be developed versus may be developed for a teacher if the teacher’s overall performance during an observed lesson is unsatisfactory; and 9) eliminates the requirement that professional development completed during the time of an Improvement Plan is in effect to be certified by the Department.

The amendments have been reviewed and comments provided by several stakeholders groups over the last several months. This includes the Department’s DPAS II Review Committees and the DPAS Advisory Committee. Comments were received from the Governor’s Advisory Council for Exceptional Citizens, State Council for Persons with Disabilities and the Delaware State Education Association. Mr. Ruszkowski commented on the public comment received and changes made based on those comments. He cited a few of them including a clarification made to the summative evaluation and in Section 5 on appraisal criteria.

There was discussion on the comments by GACEC and looking at data to insure that the most rigorous policies are put in place. Mr. Ruszkowski noted that any changes of that nature would have been substantive in nature. The Board also asked about data on the impact of these changes. Mr. Ruszkowski discussed the inputting of the data by districts and charter schools. He hopes to have data available to the Board in late August.

A motion was made by Dr. Whittaker to consent to amending 14 Delaware Administrative Code 106A Teacher Appraisal Process Delaware Performance Appraisal Systems (DPAS II) Revised. The motion was seconded by Mr. Coverdale and carried unanimously with the following roll vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Dr. Whittaker

Mr. Hughes

The Board signed the appropriate Order.

107A Specialist Appraisal Process Delaware Performance Appraisal System  
(DPAS II) Revised - For Action

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 107A Specialist Appraisal Process Delaware Performance Appraisal System (DPAS II) Revised.

The amendments address the following: 1) eliminates provisions that were in place for the 2011-2012 and 2012-2013 school years only; 2) provides that the proposed amended regulation will be in effect beginning with the 2013-2014 school year; 3) defines “Credentialed Observer” and “Evaluator” in order to be specific about which individuals are responsible for certain specialist appraisal activities; 4) provides more specificity on the definition of “summative evaluation”; 5) changes the configuration of announced and unannounced observations for both experienced and novice specialists and modifies the number of observations required for novice specialists; 6) provides districts and charter schools flexibility in the appraisal criterion to be used for DPAS II in the first four Appraisal Components; 7) requires Appraisal Criteria observed to be rated on each observation conducted and to be assigned an overall rating in a specialist’s Summative Evaluation; 8) modifies when an Improvement Plan must be developed versus may be developed for a specialist if the specialist’s overall performance during an observed lesson is unsatisfactory; and 9) eliminates the requirement that professional development completed during the time of an Improvement Plan is in effect to be certified by the Department.

The amendments have been reviewed and comments provided by several stakeholders groups over the last several months in relation to 14 DE Admin. Code 106A, as 107A has historically been a parallel regulation. This includes the Department’s DPAS II Review Committees and the DPAS Advisory Committee. Comments were received from the Governor’s Advisory Council for Exceptional Citizens, the State Council for Persons with Disabilities and the Delaware State Education Association. Mr. Ruskowski said that 107A mirrors 106A except for the provision for novice specialists. All other feedback is the same as 106A.

A motion was made by Mr. Coverdale to consent to amending 14 Delaware Administrative Code 107A Specialist Appraisal Process Delaware Performance Appraisal Systems (DPAS II) Revised. The motion was seconded by Mr. Heffernan and carried unanimously with the following roll vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Dr. Whittaker

Mr. Hughes

The Board signed the appropriate Order.

## **Charter Schools**

John Carwell, from the Charter Schools Office, and Chief of State Mary Kate McLaughlin presented the charter school items.

### **Application to Modify and Existing Charter: New Maurice J. Moyer Academy (For Action)**

Dr. Carwell noted that the school's modification request was two-fold. The proposed modification is to reduce the school's authorized enrollment and to change the high school educational program from online instruction to traditional instruction which is more in line with the school's current program. The New Maurice J. Moyer Academy opened in August of 2012 and is located Wilmington. The school was authorized to serve 365 last year and increase to 600 by 2015-16. The request is to reduce to 225 students. The school's current enrollment is 201 students for the coming year. The Charter School Accountability Committee issued its report on the application and recommended to the Secretary that the request not be approved. A public hearing was held July 11, 2013.

Secretary Murphy stated that it was the recommendation of the Charter School Accountability Committee to deny both requests. He stated that additional information has been supplied to both requests. On the curriculum, revised curriculum documents have been submitted and Mr. Murphy explained that even though progress has been made he is unable to support their request at this time. The curriculum does not show that it is aligned to the content standards. Secretary Murphy noted that he is not seeking any action by the State Board. In reference to the reduction in the school's authorized enrollment, additional documentation has been supplied that shows that the school would be economically viable and he is approving the reduction in enrollment and seeking the consent of the State Board.

Dr. Gray explained that the Secretary has denied the modification application of Moyer Academy to change the high school educational program from online instruction to traditional instruction. Since the charter statute at 14 Delaware Code Section 511(c) requires the assent of both the Secretary of Education and the State Board for approval of major modifications and since this is not possible given the Secretary's disapproval, the Moyer Academy's application for a major modification does not require further Board action.

There was discussion on the school's curriculum and if it would remain an online curriculum. Mr. Carwell acknowledged that the school moved away from the online curriculum this year. Board members noted that if the school is current using traditional instruction and is doing so without a modification request and approval then the school is out of compliance. The Board asked what the remedy should be as the school is out of compliance, noting that there are processes for a reason. Dr. Whittaker noted that the online instruction was the feature that was focused on that made the school unique.

Ms. Johnson explained that it was during the charter update in December that it was mentioned that the school had changed its educational program. The Board asked if a modification was required and was informed that modification would be submitted. She noted that in the documentation it indicates that the school changed its instruction in August 2012. Ms. Johnson also noted as did the Board members that while the most recent DCAS scores for the school show some improvement, they are still below standard and the issue of the curriculum not aligning to the state content standards is a concern.

There was discussion on the disconnect in that the students are showing gains but the curriculum being taught is not aligned to the state content standards. Mr. Carwell noted that the school had three deadlines to submit this modification. Dr. Gray stated that the Secretary is not bringing this forward and noted that four of the criteria are not met for the curriculum. The other issue is the one of compliance and they have been out of compliance since August 2012. Mr. Heffernan requested that a Moyer update be provided to the State Board every month on the compliance and curriculum. Secretary Murphy agreed to provide a monthly update.

Dr. Gray stated that the second part of the modification request that Secretary Murphy has requested the Board's consent is to reduce the school's authorized enrollment. A motion was made by Mr. Heffernan that based on the review of the record and consideration of the Secretary's approval, the State Board assents to the approval of the application for modification to reduce the school's enrollment as recommended by the Secretary. The motion was seconded by Mr. Melendez. The Board entered into discussion on the motion before them regarding the request to reduce the approved enrollment.

Mr. Carwell provided some additional information noting that many charter schools request a decrease in enrollment after their first year. The concern of economic viability is always the main concern with any enrollment reduction. There was discussion about the contributions of the K-12 Management Company to the school. Mr. Carwell stated that the contribution of K-12 makes the school economically viable. Karen Field Rogers addressed the financial issues and documents. She stated that the school had 182 students last year and was economically viable with the arrangement they have from K-12. There was additional discussion on the budget sheets not matching and the lack of the length of time for the agreement between Moyer and K-12 appearing on any signed documents.

Dr. Gray expressed her concern about some of the budget inconsistencies and signed agreement for the purchase. Ms. Rogers noted that the school will continue to lease the property and the budget reflects that amount. Dr. Gray also asked about the Sheriff's Sale and her concern that if something happens between the completion of the Sheriff's Sale and TRF then there will be students with no building. She does not see any assurances.

Mr. Heffernan asked Mr. Carwell to review the recommendations of the committee for the modification request and if they were met. Dr. Gray stated that there is also a compliance issue in regard to their enrollment. The school is approved for 385 students and they are very much below that target. There is also no signed document for the building and the Sheriff Sale is

pending. Dr. Whittaker stated that the compliance issue needed to be addressed prior to any other issues. The discussion continued on the economic viability of the school with the lower enrollment and lease and rent issues.

The motion failed with the following roll call vote recorded:

Ayes:

Nays:

Mr. Heffernan

Dr. Gray

Mr. Hughes

Mr. Melendez

Mr. Coverdale

Dr. Whittaker

Application to Modify and Existing Charter:

Reach Academy for Girls (For Action)

Mr. Carwell stated that the proposed modification is to relocate to a different site. The Charter School Accountability Committee issued its report on the application recommended approval of the request to the Secretary. A public hearing was held July 11, 2013. Secretary Murphy stated he is seeking the assent of the State Board to approve Reach's application for a modification to relocate to a different site.

A motion was made by Mr. Hughes that based on the review of the record and consideration of the Secretary's approval, the Board assents to the approval of the application for modification as recommended by the Secretary. The motion was seconded by Mr. Melendez.

Dr. Gray noted that the school is struggling academically and should review its performance before it comes before the Board again. The motion was approved with the following vote recorded:

Ayes:

Nays:

Dr. Gray

None.

Mr. Melendez

Mr. Coverdale

Mr. Heffernan

Mr. Hughes

Dr. Whittaker

Application to Modify an Existing Charter:

Delaware Academy for Public Safety and Security (For Action)

Mr. Carwell stated that the proposed modification is to relocate to a different site. The Charter School Accountability Committee issued its report on the application recommended approval of

the request to the Secretary. A public hearing was held July 11, 2013. Secretary Murphy stated he is seeking the assent of the State Board to approve DAPSS's application for a modification to relocate to a different site.

A motion was made by Mr. Coverdale that based on the review of the record and consideration of the Secretary's approval, the Board assents to the approval of the application for modification as recommended by the Secretary. The motion was seconded by Dr. Whittaker.

Dr. Gray noted that the school is financially in good shape but on the academic framework they are not where they need to be. She suggested the school review its academic performance before coming before the Board. It was pointed out that there is only one year of data. Ms. Johnson was very pleased that empty facilities are being adapted to use for schools. The motion was approved with the following vote recorded:

Ayes:	Nays:
Dr. Gray	None.
Mr. Melendez	
Mr. Coverdale	
Mr. Heffernan	
Mr. Hughes	
Dr. Whittaker	

#### Charter Schools Update/Charter Annual Report (For Information)

Mr. Carwell provided an update on the closing of Pencader High School. There were 267 students that needed to enroll elsewhere. To date, 180 will be attending a traditional Delaware high school or charter, 3 will attend a private school and some have moved out of state. Mr. Carwell said that he did not know how many will be homeschooled.

The Board received the academic performance review reports for all Delaware Charter Schools. Mr. Heffernan noted that the information was from 2012 and not all the information has been received even though the 2013 DCAS data has been released. He would like to proactively have these discussions and have these discussions with the schools that there is concern. He stated that the information needs to be more timely and he again called for a fix dated when the annual report can be presented to the Board and to continue every year at the same time.

Ms. McLaughlin noted the issues of capacity of the Charter School Office. Deputy Secretary of Education David Blowman stated that Ryan Fennerty from Secretary's Murphy office is conducting a thorough review of the Charter Office to review the processes of the office and how to be more fluid. He said that he made the determination that the Annual Report was not ready at this time and did not feel comfortable of releasing what was available. Mr. Blowman acknowledged that he agrees that an annual date be determined for the annual report and it will be delivered yearly on that date. Ms. Johnson stressed that the annual report is meaningful and a

deep analysis is done on how strengths and weaknesses of each school can be addressed and successful programs replicated.

### **Appeals and Reviews**

Ilona Kirshon, Deputy Attorney General and legal counsel for the State Board of Education stated that there were three items under Appeals and Reviews.

Since school disciplinary matters are confidential the Board entered into Executive Session pursuant to 29 *Del. C.* § 10004(b)(7). The motion was made by Mr. Heffernan, seconded by Dr. Hughes and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

None.

The Board went into Executive Session at 5:03 p.m. The Board returned to open session at 5:31 p.m. on Mr. Heffernan's motion which was seconded by Mr. Melendez and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

None.

### **J.W. v. Smyrna School District Board of Education (2013-04)**

Dr. Gray noted that this is a student disciplinary appeal of a 180 day expulsion and placement in an alternative school. The hearing officer submitted a proposed decision and exceptions have been filed with the Board.

A motion was made by Mr. Hughes that having read and considered the record of the proceedings below, including the hearing transcript, any submissions to the hearing officer that the Proposed Order of the Hearing Officer not be accepted and uphold the decision of the district

as the Decision and Order of the State Board of Education. The motion was seconded by Mr. Melendez and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

None.

The Board signed the appropriate Order.

A.G. v. Smyrna School District Board of Education (2013-05)

Dr. Gray noted that this is a student disciplinary appeal of a 180 day expulsion and placement in an alternative school. The hearing officer submitted a proposed decision and exceptions have been filed with the Board.

A motion was made by Mr. Hughes that having read and considered the record of the proceedings below, including the hearing transcript, any submissions to the hearing officer that the Proposed Order of the Hearing Officer not be accepted and uphold the decision of the district as the Decision and Order of the State Board of Education. The motion was seconded by Mr. Coverdale and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

None.

The Board signed the appropriate Order.

D.F. v. Smyrna School District Board of Education (2013-06)

It is anticipated that this appeal will be before the State Board at its August meeting.

**Information Items**

Dr. Gray noted the information items listed on the Board's agenda.

**Adjournment**

There being no further business, a motion was made by Mr. Coverdale to adjourn the meeting. The motion was seconded by Mr. Hughes and carried unanimously. The meeting adjourned at 5:39 p.m.

Respectfully Submitted;

Mark T. Murphy, Executive Secretary  
and Secretary of Education

An audio of the entire meeting is available on the State Board's website at: <http://www.doe.k12.de.us/infosuites/ddoe/sbe/default.shtml>

## **Executive Session**

### **Appeals and Reviews**

Ilona Kirshon, Deputy Attorney General and legal counsel for the State Board of Education stated that there were three items under Appeals and Reviews.

Since school disciplinary matters are confidential the Board entered into Executive Session pursuant to 29 *Del. C.* § 10004(b)(7). The motion was made by Mr. Heffernan, seconded by Dr. Hughes and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

None.

The Board went into Executive Session at 5:03 p.m.

The Board discussed the appeals with Ilona Kirshon, Deputy Attorney General and State Board of Education legal counsel.

The Board returned to open session at 5:31 p.m. on Mr. Heffernan's motion which was seconded by Mr. Melendez and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

None.

Respectfully Submitted;

Mark T. Murphy, Executive Secretary  
and Secretary of Education